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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,447	10/17/2003	Cory O. Nykoluk	10759-00160	1563
7590 Patrick W. Rasche Armstrong Teasdale LLP Suite 2600 One Metropolitan Square St. Louis, MO 63102			EXAMINER	
			MAL, TRI M	
			ART UNIT	PAPER NUMBER
			3781	
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			02/27/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/688,447

Applicant(s)

NYKOLUK ET AL.

Examiner

Tri M. Mai

Art Unit

3781

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 30-35, 38-50 and 53-56 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 53-56 is/are allowed.
- 6) ☒ Claim(s) 30, 32-35 and 38-50 is/are rejected.
- 7) ☒ Claim(s) 31 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date ____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

1. Claims 30, 34, 35, and 38-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sadow (5890570) in view of Liang, and further in view of Sparks (853566). Sadow teaches a piece of baggage having a set of wheels, a receptacle in Fig. 1 providing an opening in the top of the piece of baggage, an arm portion 20 retractably engaged to the baggage and having an adjustable axial length extending between opposite proximal and distal ends being operatively to the baggage and the distal end positionable between an extended position and a retracted position. A towing having a handgrip at 21 and the handle being connected to the distal end as shown in fig. 1. Sadow does not mention the handle being pivot relative to the distal end of the arm portion. Liang teaches that it is known in the art to provide an arm portion having adjustable axial length and a handgrip can pivot relative to the distal end as taught by Liang to provide an alternative handle to enable one to provide the desired length for the handle and to provide an alternative handle for the luggage.

With respect to the new limitation of a separate connector, Sparks teaches that it is known in the art to provide a separate connector for connecting the handle being portion 8. It would have been obvious for one of ordinary skill in the art to provide a separate connector as taught by Sparks to provide separate connector for mounting the end of the handle to enable one to install the handle properly.

Regarding claim 31, note that the handle is circumferentially arcuate along a center axis corresponding to the axial length.

Regarding claim 47, it would have been obvious to one of ordinary skill in the art to provide a flushed handle to provide the desired fit for the handle.

2. Claims 32, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sadow rejection as set forth above, and further in view of Browning. It would have been obvious to one of ordinary skill in the art to provide a non-circular cross section as taught by Browning, see figure 15 to provide the desired cross section for the handle.
3. Claims 48, 49, and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Sadow rejection, as set forth in paragraph 2, and further in view of Miyoshi. It would have been obvious to one of ordinary skill in the art to provide a plurality of tubular sections to provide the desired length for the luggage.
4. Claims 30, 34, 35, and 42-47 are rejected under 35 U.S.C. 102(b) as being anticipated by Williams et al. (4538709). Williams teaches a baggage having a set of wheel, a receptacle, retractable arms, a towing handle having a handle grip 20 such a manner that the handgrip can pivot relative to the distal end.

With respect to the new limitation, it is noted that portions 50b and 50c are considered as part of the handle as claimed, and portion 5a is the connector attached to the distal end of the handle and connected to the handle 20 as claimed.

Regarding claim 31, note that the handle is circumferentially arcuate along a center axis corresponding to the axial length.

Regarding claim 52, note that there is a passage through the handle as claimed.

5. Applicant's arguments have been fully considered but they are not persuasive. Note the new grounds of rejection with respect to Sadow in view of Liang, and further in view of Miles. The rejection over Williams et al. stands. As set forth above, it is noted that portions 50b and 50c are considered as part of the handle as claimed, and portion 5a is the connector attached to the

distal end of the handle and connected to the handle 20 as claimed. It is noted that the examiner can interpret the claim broadly during prosecution. The claims' broad scope is not readable over Williams.

6. Claim 31 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
7. Claims 53-56 are allowed.
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri M. Mai whose telephone number is (571)272-4541. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on (571)272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tri M. Mai/

Primary Examiner, Art Unit 3781